

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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PAUL GRIGLOCK, executor of the       \*  
estate of SOPHIE GRIGLOCK, deceased,   \*

Petitioner,                               \*

v.   \*

SECRETARY OF HEALTH               \*  
AND HUMAN SERVICES,               \*

Respondent.                           \*

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No. 09-275V

Special Master Christian J. Moran

Filed: April 8, 2013

Attorneys' fees and costs; stipulation of  
fact; award in the amount to which  
respondent has not objected

### **UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

Ronald C. Homer, Conway, Homer & Chin-Caplan, Boston, MA, for Petitioner;  
Voris E. Johnson, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Paul Griglock, executor of the estate of Sophie Griglock, deceased, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on April 4, 2013. Previously, on March 7, 2013, Mr. Griglock filed a motion for attorneys' fees and costs, to which respondent submitted a response objecting to certain items. Resp't Resp., filed Mar. 27, 2013. A status conference was held on April 3, 2013. Based on subsequent discussions, petitioner amended his application to request a total of \$86,458.15 in fees and costs, an amount to which respondent does not object. The Court awards this amount.

Mr. Griglock filed for compensation alleging that Sophie died as a result of the influenza vaccination she received on October 6, 2005. Mr. Griglock, as executor of Sophie's estate, was awarded the statutory death benefit of \$250,000. Decision, filed Feb. 11, 2011, aff'd 99 Fed. Cl. 373 (2011), aff'd 687 F.3d 1371 (Fed. Cir. 2012). Because Mr. Griglock received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Mr. Griglock seeks a total of **\$86,458.15** in attorneys' fees and costs, which amount includes \$70,720.94 in fees and \$6,715.63 in costs for her current counsel (Conway, Homer & Chin-Caplan), \$7,000 in fees and \$563.43 in costs for her former counsel (Kisailus & Kisailus Law Office), and \$1,458.15 in out-of-pocket litigation costs. Respondent has no objection to the amount requested for attorneys' fees and costs. After reviewing the request, the court awards petitioner the stipulated amount as follows:

- A. A lump sum of \$77,436.57 in the form of a check payable jointly to petitioner and petitioner's attorney, Ronald. C. Homer, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- B. A lump sum of \$7,563.43 in the form of a check payable jointly to petitioner and petitioner's former attorney, Kisailus & Kisailus Law Office, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- C. A lump sum of \$1,458.15 in the form of a check made payable to petitioner for out-of-pocket expenses incurred in proceeding on the petition.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.